

Planning Commission

Thursday, February 3, 2011, 7:30pm

City Council Chambers

Meeting Minutes

A. AGENDA

Mr. Herald moved to approve the agenda as submitted. Dr. Scott seconded the motion. **Passed 5-0.**

B. ROLL CALL

Commissioners Present:

David DiQuinzio, **Chair**
William Herald

Dr. Eleanor Harris, **Vice Chair**
James Urban

Dr. Wilford Scott

Staff Present:

Tom Smith

Jacqui Rouse

Cynthia Gudenius

APPROVAL OF MINUTES

January 20, 2011 Meeting

The voting on the meeting minutes were deferred to the February 17, 2011 meeting.

C. NEW BUSINESS

1. Findings: Red, Red Wine Bar, 180B Main Street, S.E. 2010-023

Mr. Herald moved approval of the findings as submitted. Dr. Scott seconded the motion. **Passed 4-0.**
Mr. Urban abstained from voting.

D. OLD BUSINESS

1. Stop and Shop Supermarket Company, Inc. - Continuation

Dr. Scott abstained from participating on this application as he was not present when the application was originally presented.

Ms. Gudenius updated the Commission on the recent revisions to the project explaining that the application was tabled on November 4, 2010 to allow the applicant to explore the possibility of rain gardens and bicycle racks. There was a continuation of deliberations on January 6, 2011 to allow for further information from the Mr. Banks regarding the traffic impacts as result of this application. Staff continues to recommend approval of the application.

Ms. Waldron referred the Commission to a letter dated January 21, 2011 that describes the changes made relate to the drive aisle being removed; rain gardens installed; the planting beds were increased in size; additional landscaping added; and the overall impervious surface was increased. The Commission asked several questions regarding the filterra system, the tree species and the traffic impacts.

Mr. Urban moved to approve the application as amended in the revised plans. Dr. Harris seconded the motion. **Passed 4-0** (with one abstention)

E. NEW BUSINESS

1. Record Plat Approval for Obery Court/College Creek Terrace, Phase II & III

Mr. Smith noted that the Commission approved the preliminary planned development plans for Phases II and III of Obery Court/College Creek Terrace project at the meeting on December 2, 2010. Staff reviewed the changes to the application and found them to be consistent with the Commission's recommendations.

Mr. Herald moved approval of the final record plat for the Obery Court/College Creek Terrace project as submitted. Dr. Scott seconded the motion. **Passed 5-0.**

F. PUBLIC HEARINGS AND DELIBERATIONS

1. Amato Family LLC, Special Exception, S.E. 2010-021

Ms. Rouse presented the special exception request to amend a previously approved special exception for a food service restaurant located at 81 Main Street. The original special exception approval in 1996 was for a dual use of a delicatessen and standard restaurant. Since the original approval the Board of Appeals determined that food establishments are not allowed to have two special exceptions with conflicting requirements. The owners have since decided to convert the delicatessen to a standard restaurant in order to take advantage of 2:00am license. In addition, have requested to remove the mandatory parking requirements, add live entertainment and also the sale of beer/wine. Staff has additional conditions as it has with all the 2:00am liquor license requests and they are enumerated in the staff report dated January 26, 2011. Staff recommends approval because the application complies with the special exception standards.

Mr. Brown concurred with the Staff presentation of the application but added there will be no negative impacts to the surrounding community. The application has been duly posted and the special exception requirements have all been met.

Public testimony opened at 8:48 and three people spoke on the application. Public hearing closed at 9:05pm.

Dr. Scott moved to deny the application as presented. The motion failed due to lack of a second.

Dr. Harris moved to approve the application as submitted. Mr. Herald seconded the motion **Passed 4-1.**

Mr. Urban volunteered to do the findings.

2. SPAH, LLC, Special Exception, S.E. 2010-020

Ms. Rouse presented the special exception request to extend the hours of operation to 2:00am for Maria's Ristorante located at 12-14 Market Space. The request will also add live entertainment, service of alcohol without meals and removal of the mandatory valet parking. Staff recommends approval subject to similar conditions as noted in the previous application.

Mr. Brown clarified that this restaurant has had a liquor license since 1989 but has been in the same family restaurant since 1974. He said that Maria's Ristorante has been very successful in its current location. He addressed the valet parking request stating that it will eliminate the costs being passed onto the patron.

Public testimony opened at 9:45pm and four people spoke on the application. Public hearing closed at 10:03pm.

Mr. Urban moved approval of the application subject motion to amending the floor plan for the areas designated to live entertainment to include language that reads “....music may be performed in only one location at a time.” Dr. Harris seconded the motion. **Passed 5-0.**

Mr. Urban volunteered to prepare the findings.

G. ADJOURNMENT

Mr. Herald moved to adjourn the meeting at 10:08pm. Dr. Harris seconded the motion. **Passed 3-0.**

Tami Hook, Recorder